

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85935290
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
ARGUMENT(S)	
<p>This Request for Reconsideration is filed in response to the Office Action issued April 3, 2014. In the Office Action, the Examining Attorney withdrew the previous objection to recitation of services, withdrew the objection to the classification of services, and continued and made Final the refusal under Section 2(d) with respect to a limited number of specified services in the application.</p> <p>Applicant herein amends the recitation of services in a good faith attempt to narrow the services and to clarify that the services for which applicant seeks to register the FIRSTMOOSE mark do not conflict with those recited in the cited registration. Applicant respectfully requests that the Examining Attorney reconsider the Section 2(d) issue in light of the amended services, and that the application be approved for publication.</p> <p>Applicant invites the Examining Attorney to contact the undersigned to discuss any additional issues that may need to be resolved before the application can be approved and published, by email at KevinC.Docketing@SeedIP.com or by telephone at (206) 622-4900.</p>	
GOODS AND/OR SERVICES SECTION (035)(current)	
INTERNATIONAL CLASS	035
DESCRIPTION	
<p>online services for others, namely, providing community-related information for others; providing online directory information services featuring business information and promotional offers that are geographically relevant to the user; providing an interactive website that promotes neighborhoods and local business communities by offering residents, visitors and others with commercial information and descriptions, photos, maps and other business information that is geographically relevant to the user; promoting public awareness of neighborhood and local business community events that are geographically relevant to the user</p>	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (035)(proposed)	
INTERNATIONAL CLASS	035
TRACKED TEXT DESCRIPTION	

online services for others, namely, providing community-related information for others; ~~providing online directory information services featuring business information and promotional offers that are geographically relevant to the user~~; providing online directory information services featuring business information and offers that are geographically relevant to the user; providing an interactive website that promotes neighborhoods and local business communities by offering residents, visitors and others with commercial information and descriptions, photos, maps and other business information that is geographically relevant to the user; promoting public awareness of neighborhood and local business community events that are geographically relevant to the user

FINAL DESCRIPTION

online services for others, namely, providing community-related information for others; providing online directory information services featuring business information and offers that are geographically relevant to the user; providing an interactive website that promotes neighborhoods and local business communities by offering residents, visitors and others with commercial information and descriptions, photos, maps and other business information that is geographically relevant to the user; promoting public awareness of neighborhood and local business community events that are geographically relevant to the user

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (038)(current)

INTERNATIONAL CLASS

038

DESCRIPTION

providing access to telecommunications network services for others; providing electronic telecommunications connections for the purpose of delivering mobile coupons and promotions for others; electronic transmission of data and information for others, including photos and images, namely, the computer aided, electric, digital, cellular, wireless, mobile phone, and television information distribution technology used for the transmission of images and photos to the public

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (038)(proposed)

INTERNATIONAL CLASS

038

TRACKED TEXT DESCRIPTION

providing access to telecommunications network services for others; ~~providing electronic telecommunications connections for the purpose of delivering mobile coupons and promotions for others~~; electronic transmission of data and information for others, including photos and images, namely, the computer aided, electric, digital, cellular, wireless, mobile phone, and television information distribution technology used for the transmission of images and photos to the public

FINAL DESCRIPTION

providing access to telecommunications network services for others; electronic transmission of data and information for others, including photos and images, namely, the computer aided, electric, digital, cellular, wireless, mobile phone, and television information distribution technology used for the transmission of images and photos to the public

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (042)(current)	
INTERNATIONAL CLASS	042
DESCRIPTION	
<p>online computer services for others, namely, providing a web site that gives computer users the ability to upload, exchange and share photos and images via the Internet, mobile, digital, wireless, cellular, and television technology for public and business education and entertainment; providing a website that has an automated system feature whereby a customer's classified advertisement or image advertisement is moved to the top of an advertising category list of other advertisements in a pre-determined time frame over the course of a period of time when displayed on a website, mobile phone, cellular, digital, a wireless device, and television; providing an interactive web site featuring technology that that gives users the ability to post photographs and allow other users to view, comment and vote for selected photos</p>	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (042)(proposed)	
INTERNATIONAL CLASS	042
TRACKED TEXT DESCRIPTION	
<p>Online computer services for others, namely, providing a web site that gives computer users the ability to upload, exchange and share photos and images via the Internet, mobile, digital, wireless, cellular, and television technology for public and business education and entertainment; providing a website that has an automated system feature whereby a customer's classified advertisement or image advertisement is moved to the top of an advertising category list of other advertisements in a pre-determined time frame over the course of a period of time when displayed on a website, mobile phone, cellular, digital, a wireless device, and television; <u>providing a website featuring technology that automates the order in which a customer's classified advertisement or image advertisement is moved to the top of an advertising category list of other advertisements in a pre-determined time frame over the course of a period of time when displayed on a website, mobile phone, cellular, digital, a wireless device, and television;</u> providing an interactive web site featuring technology that that gives users the ability to post photographs and allow other users to view, comment and vote for selected photos</p>	
FINAL DESCRIPTION	
<p>Online computer services for others, namely, providing a web site that gives computer users the ability to upload, exchange and share photos and images via the Internet, mobile, digital, wireless, cellular, and television technology for public and business education and entertainment; providing a website featuring technology that automates the order in which a customer's classified advertisement or image advertisement is moved to the top of an advertising category list of other advertisements in a pre-determined time frame over the course of a period of time when displayed on a website, mobile phone, cellular, digital, a wireless device, and television; providing an interactive web site featuring technology that that gives users the ability to post photographs and allow other users to view, comment and vote for selected photos</p>	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Kevin S. Costanza/

SIGNATORY'S NAME	Kevin S. Costanza
SIGNATORY'S POSITION	Attorney for Applicant, Washington State Bar Member
SIGNATORY'S PHONE NUMBER	206-622-4900
DATE SIGNED	10/03/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Oct 03 18:00:54 EDT 2014
TEAS STAMP	USPTO/RFR-38.100.227.210- 20141003180054175899-8593 5290-500affcff3fe240b1b55 9a8d9f7c612f3c833d66b50c5 ca3340121e3d6064452842-N/ A-N/A-2014100314195178594 8

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85935290** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

This Request for Reconsideration is filed in response to the Office Action issued April 3, 2014. In the Office Action, the Examining Attorney withdrew the previous objection to recitation of services, withdrew the objection to the classification of services, and continued and made Final the refusal under Section 2(d) with respect to a limited number of specified services in the application.

Applicant herein amends the recitation of services in a good faith attempt to narrow the services and to clarify that the services for which applicant seeks to register the FIRSTMOOSE mark do not conflict with those recited in the cited registration. Applicant respectfully requests that the Examining Attorney reconsider the Section 2(d) issue in light of the amended services, and that the application be approved for publication.

Applicant invites the Examining Attorney to contact the undersigned to discuss any additional issues that may need to be resolved before the application can be approved and published, by email at KevinC.Docketing@SeedIP.com or by telephone at (206) 622-4900.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 035 for online services for others, namely, providing community-related information for others; providing online directory information services featuring business information and promotional offers that are geographically relevant to the user; providing an interactive website that promotes neighborhoods and local business communities by offering residents, visitors and others with commercial information and descriptions, photos, maps and other business information that is geographically relevant to the user; promoting public awareness of neighborhood and local business community events that are geographically relevant to the user

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: online services for others, namely, providing community-related information for others; ~~providing online directory information services featuring business information and promotional offers that are geographically relevant to the user;~~ providing online directory information services featuring business information and offers that are geographically relevant to the user; providing an interactive website that promotes neighborhoods and local business communities by offering residents, visitors and others with commercial information and descriptions, photos, maps and other business information that is geographically relevant to the user; promoting public awareness of neighborhood and local business community events that are geographically relevant to the user

Class 035 for online services for others, namely, providing community-related information for others; providing online directory information services featuring business information and offers that are geographically relevant to the user; providing an interactive website that promotes neighborhoods and local business communities by offering residents, visitors and others with commercial information and descriptions, photos, maps and other business information that is geographically relevant to the user; promoting public awareness of neighborhood and local business community events that are geographically relevant to the user

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 038 for providing access to telecommunications network services for others; providing electronic telecommunications connections for the purpose of delivering mobile coupons and promotions for others; electronic transmission of data and information for others, including photos and images, namely, the computer aided, electric, digital, cellular, wireless, mobile phone, and television information distribution technology used for the transmission of images and photos to the public

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: providing access to telecommunications network services for others; ~~providing electronic telecommunications connections for the purpose of delivering mobile coupons and promotions for others~~; electronic transmission of data and information for others, including photos and images, namely, the computer aided, electric, digital, cellular, wireless, mobile phone, and television information distribution technology used for the transmission of images and photos to the public

Class 038 for providing access to telecommunications network services for others; electronic transmission of data and information for others, including photos and images, namely, the computer aided, electric, digital, cellular, wireless, mobile phone, and television information distribution technology used for the transmission of images and photos to the public

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 042 for online computer services for others, namely, providing a web site that gives computer users the ability to upload, exchange and share photos and images via the Internet, mobile, digital, wireless, cellular, and television technology for public and business education and entertainment; providing a website that has an automated system feature whereby a customer's classified advertisement or image advertisement is moved to the top of an advertising category list of other advertisements in a pre-determined time frame over the course of a period of time when displayed on a website, mobile phone, cellular, digital, a wireless device, and television; providing an interactive web site featuring technology that that gives users the ability to post photographs and allow other users to view, comment and vote for selected photos

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: Online computer services for others, namely, providing a web site that gives computer users the ability to upload, exchange and share photos and images via the Internet, mobile, digital, wireless, cellular, and television technology for public and business education and entertainment; ~~providing a website that has an automated system feature whereby a customer's classified advertisement or image advertisement is moved to the top of an advertising category list of other advertisements in a pre-determined time frame over the course of a period of time when displayed on a website, mobile phone, cellular, digital, a wireless device, and television~~; providing a website featuring technology that automates the order in which a customer's classified advertisement or image advertisement is moved to the top of an advertising category list of other advertisements in a pre-determined time frame over the course of a period of time when displayed on a website, mobile phone, cellular, digital, a wireless device, and television; providing an interactive web site featuring technology that that gives users the ability to post photographs and allow other users to view, comment and vote for selected photos

Class 042 for Online computer services for others, namely, providing a web site that gives computer users the ability to upload, exchange and share photos and images via the Internet, mobile, digital, wireless, cellular, and television technology for public and business education and entertainment; providing a website featuring technology that automates the order in which a customer's classified advertisement or image advertisement is moved to the top of an advertising category list of other advertisements in a pre-determined time frame over the course of a period of time when displayed on a website, mobile phone,

cellular, digital, a wireless device, and television; providing an interactive web site featuring technology that that gives users the ability to post photographs and allow other users to view, comment and vote for selected photos

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Kevin S. Costanza/ Date: 10/03/2014

Signatory's Name: Kevin S. Costanza

Signatory's Position: Attorney for Applicant, Washington State Bar Member

Signatory's Phone Number: 206-622-4900

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85935290

Internet Transmission Date: Fri Oct 03 18:00:54 EDT 2014

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